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असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 2nd September, 2011:—

BILL NO. 86 OF 2010

A Bill to provide for free and compulsory education to every girl whose parents are living below poverty line.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) this Act may be called the Girls (Free and Compulsory) Education Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government;

Short title,
extent and
commencement.

Definitions.

(b) "education" means education from primary level to the post graduation level and includes technical and medical education;

(c) "girl" means a female who has not attained the age of twenty-five years;

(d) "parent" includes the adoptive or step parent and guardian of a girl;

(e) "parents living below poverty line" in relation to a girl means parents whose income from all sources does not exceed rupees three thousand per month; and

(f) "prescribed" means prescribed by rules made under this Act.

Free and compulsory education to every girl.

3. The appropriate Government shall provide free and compulsory education to every girl whose parents are living below poverty line and are ordinarily residing in its territorial jurisdiction.

*Explanation:—*For the purpose of this section, "free education" includes:—

(i) supply of books, writing materials and school uniform free of cost;

(ii) provision of mid-day meal and hostel facilities free of cost;

(iii) payment of monthly stipend at the rate of not less than rupees one hundred at the primary level, rupees two hundred up to the middle level and rupees five hundred up to the higher secondary level; and

(iv) provision of financial assistance for pursuing higher education including technical and medical education.

Establishment of schools and universities

4. The appropriate Government shall establish and maintain or cause to be established or maintained adequate number of schools, universities and institutions within its territorial jurisdiction in order to ensure education of girls.

Duty of parents to admit their girl child to school.

5. (1) It shall be the duty of every parent to admit or cause to be admitted his girl child in school.

(2) No parent shall withdraw his girl child from a school or an institution of higher education, as the case may be, till the she completes her course.

Prohibition on employment of girl.

6. No person shall employ a girl in any job which prevents her from receiving education upto such level, as may be determined by the Central Government.

Punishments.

7. Any person including parents, who for any reason prevents, restrains or obstructs a girl from attending school or receiving education, shall be punished with simple imprisonment for a term which may extend to one year and shall also be liable to fine.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The ability to read and write is an essential element of human faculty. Literacy is the first step towards acquiring the tools of learning and opening the doors of knowledge and information. Education, apart from opening opportunities for girls, also empowers them to resist oppression and claim their rights.

In our country, girls belong to weaker and vulnerable section of the society. Although many steps have been taken to improve their condition, yet nothing concrete has been done. Even today, girls are not treated equally and are subjected to discrimination by their parents. They are kept away from school and are forced to assist their mothers in household affairs and are deprived of the joys of childhood. In various States, the menace of child marriage is still rampant and parents force their daughters into child marriage as they feel that their daughters are not safe after attaining the age of ten years.

It is an opportune time to take stock of the situation and to ensure that girls belonging to poor families are given free and compulsory education. Free education should also include stationery items, uniform, writing materials, books, hostel facilities, transport facilities, etc. free of cost to encourage the girls to get enrolled for education. This will not only help in eradicating illiteracy from the country but will also enable the girls to grow and compete with their male counterparts and raise their voice against any kind of injustice or exploitation.

Hence this Bill.

New Delhi;
July 12, 2010.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3, of the Bill provides that the appropriate Government shall provide free and compulsory education to every girl whose parents are living below poverty line. Clause 4 provides that appropriate Government shall establish and maintain schools and other institutions of higher learning. The expenditure in respect of the States will be incurred from the Consolidated Funds of the respective States. The expenditure in respect of the Union territories will be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifteen hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees eighteen hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 58 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.

Insertion of
new articles
21B, 21C and
21D.

2. After article 21A of the Constitution, the following new articles shall be inserted,—

Right to
shelter.

“21B. Every citizen shall have the right to shelter in such manner as Parliament may, by law, determine.

Explanation: For the purpose of this article, “shelter” means a dwelling unit with all basic civic amenities.

21C. (1) Every citizen shall have the right to safe and adequate quantity of drinking water.

Right to safe and adequate drinking water.

(2) The State shall, within a period of five years from the date of coming into force of this Act, provide adequate number of hand pumps or piped water connections in every village or habitation in order to ensure adequate availability of safe drinking water to every citizen within a reasonable distance from his house.

21D. Every citizen who has attained the age of eighteen years shall have the right to work in such manner as Parliament may, by law, determine.”.

Right to work.

STATEMENT OF OBJECTS AND REASONS

The Constitution gives us a number of fundamental rights in order to enable the citizens to live with dignity. To live with dignity, there is need for a large number of things but the most basic among them are shelter, water and means of livelihood. Unless these are secure, there cannot be dignity in life. Shelter is one of the basic necessities for sustaining the life. Right to live and other similar rights guaranteed by the Constitution for the well being of citizens will be worthless if citizens remain without shelter. A shelter without a source of potable water nearby is an incomplete dwelling unit, hence, the need for a source of potable water within a convenient distance. Similarly, growing unemployment has led to resorting to arms and indulgence in extremist activities by youth of the country. Hence, it is necessary that right to shelter along with a source of potable water nearby and employment is guaranteed and made fundamental rights.

Hence, this Bill.

NEW DELHI;
July 21, 2011.

C.R. PATIL

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert new articles 21B, 21C and 21D in the Constitution, with a view to making right to shelter, right to safe and adequate drinking water and right to work as fundamental rights of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It is estimated that a recurring expenditure of rupees fifty thousand crore per annum will be involved. No non-recurring expenditure is likely to be involved.

BILL NO. 62 OF 2011

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2011.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1974.

2. In section 126 of the Code of Criminal Procedure, 1973, in sub-section (1), after clause (c), the following sub-clauses shall be inserted, namely:—

Amendment
of section
126.

"(d) where his parent or parents reside together, in case of such proceedings being taken against such person by either parent of such person or both parents, as the case may be; or

(e) where his child or all his children reside, in case of such proceedings being taken against such person by any of his children or all of his children, as the case may be."

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 126 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') reads as under:—

'Proceedings under section 125 of the Code may be taken against any person in any district—

(a) where he is, or

(b) where he or his wife resides, or

(c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.'

Thus, a wife seeking an allowance for maintenance or interim maintenance and expenses of proceedings under section 125 of the Code may make an application for the same in the district (a) where the husband is, or (b) where he resides, or (c) where the wife resides, or (d) where he last resided with the wife, *i.e.*, the applicant.

However, a parent, under sub-section (1) of section 126 of the Code, may file an application in the district (a) where the son is, or (b) where he resides, or (c) where the wife of his son resides, or (d) where the son last resided with his wife. There is an ambiguity left open due to certain lacunae in section 126 of the Code. As a matter of fact, whereas the wife has been given the privilege to file an application under section 125 of the Code where she resides, but the parents have not been given the facility of filing an application in the district where they reside.

Similarly, an application, on behalf of the child, may be filed in the district (a) where the father is, or (b) where the father or mother reside, or (c) where the father has last resided with the mother of the child. But the child too has not been given the facility of an application being filed in the district where the child resides.

There seems to be no logic to prevent the extension of the facility of filing an application under section 125 of the Code in the district where such parents or children reside. Therefore, it is proposed to amend the Code suitably by inserting new clauses (d) and (e) in sub-section (1) of section 126 of the Code with a view to extend to parents and children the facility of filing an application under section 125 of the Code for maintenance in the district they reside.

The Bill seeks to achieve the above objects.

NEW DELHI;
July 22, 2011.

MANISH TEWARI

BILL NO. 48 OF 2011

A Bill to provide for timely completion of all mega projects and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Mega Projects (Timely Completion) Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires,—

Short title,
extent and
commence-
ment.

Definitions.

(i) 'mega project' means and includes any project which has been undertaken by the Central Government either on its own or as a joint venture with any State Government or a Corporation or a Company or a private limited company for

setting up of any industry or construction of any dam, irrigation scheme or roads or any communication facility or power project or any other developmental scheme for the welfare of the public in any part of the country or where the major share of the expenses on the project is borne by the Central Government and where the cost of project exceeds fifty crore rupees;

(ii) 'prescribed' means prescribed by rules made under the Act.

Preparation of list of pending mega project.

3. The Central Government shall prepare a list of mega projects pending with all Ministries and departments of the Central Government including public sector undertakings under its control.

Constitution of a Committee to be known as the Project Monitoring Committee.

4. (1) The Central Government shall constitute a Committee to be known the Project Monitoring Committee (hereinafter referred to as the Committee) to monitor the progress of implementation and completion of mega projects.

(2) The Project Monitoring Committee shall consist of the following:—

(i) the Deputy Chairman, Planning Commission who shall be the Convener of the Committee;

(ii) Secretaries of the Central Ministries of Finance, Heavy Industries and Public Enterprises, Road Transport and Highways, Shipping, Civil Aviation, Power and Agriculture;

(iii) any other Minister or Secretary of the Central Government or of a State Government who may be invited by the Convener of the Committee to attend the sittings of the Committee;

(iv) **members, as may be deemed necessary, to be nominated by the Central Government from amongst the persons who are experts in the fields of Agriculture, Power, Water Resources, Industry, Civil Aviation, Transport and Shipping.**

Review of the progress of the implementation of the mega projects in the country.

5. The Committee shall review the progress of the implementation of all the mega projects and fix a target date for completion of each of such projects.

Meeting of the Committee.

6. The Committee shall meet once in a month and review the progress of the work of the pending mega projects.

Central Government to provide fund for completion of the mega project.

7. **The Central Government shall, on the basis of the recommendation of the Committee, release necessary funds for completion of a mega project.**

Timely completion of mega projects.

8. The Central Government shall ensure timely completion of all mega projects within the time schedule fixed by the Committee:

Provided that if any mega project is not completed within the time schedule, due to any reason beyond the control of the Central Government, the Central Government shall record the reasons therefor.

Fixing responsibility for delay in completion of mega project.

9. If any project is not completed within the time schedule, except for the reasons beyond control, the officer-in-charge of the mega project shall be held responsible for the delay and shall be subject to such disciplinary action as the Central Government may think fit:

Provided that in case the delay in the completion of the project has occurred on account of lapse on the part of any private company, in the first instance, it shall be punishable with a fine which may extend to rupees ten lakh and in the second instance, its licence shall be cancelled.

10. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government and the reasons for non-implementation, if any, of any of such recommendations of the Committee to be laid as soon as may be after the reports are received, before each House of Parliament.

Central Government to lay report on action taken in the House.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Development is the buzzword today in emerging India, even as the country resolves to build an economically stronger, more efficient set up which is devoid of bureaucratic delays.

Mega projects popularly known as infrastructure projects are started with much pomp and show. But they are hardly completed in time. The estimated cost of projects always overrun for the simple reason that the projects are not completed within the target date. In many cases, the escalation in cost of projects result in manifold expenditure and loss to the public exchequer. Time and cost overruns in projects in the environment of uncertainties, inadequate funding, delay in land acquisition, law and order problems, general escalation in costs, etc. are required to be eliminated altogether.

At present, there is no mechanism to supervise the progress of the completion of mega projects. Moreover, for many projects necessary funds are not released by the Central Government. As a result, the projects are held up.

Therefore, in order to ensure timely completion of all projects, it is proposed to provide a mechanism at the bureaucratic level and also accountability of the executive to the legislature.

The Bill seeks to achieve the above objective.

NEW DELHI;
August 1, 2011.

P. L. PUNIA

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the setting up of a Committee to monitor the progress of implementation and timely completion of mega projects. Most of the members on the Committee will be Government functionaries, but a few experts in the fields of agriculture, power, etc. are to be associated with the Committee. Clause 7 provides for release of necessary funds by the Central Government for completion of all mega projects. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees twenty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 50 OF 2011

A Bill to provide for special financial assistance to the State of Gujarat for promoting the welfare of girl child, reduction of maternal and infant mortality rate and welfare of agricultural labourers in the State.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Gujarat Act, 2011.

Short title and
Commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special
financial
assistance to
the State of
Gujarat.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Gujarat to meet the costs of such schemes of development, as may be undertaken by the State for the purpose of:—

(i) eradication of the problem of malnutrition from the State;

(ii) implementation of schemes aimed at improving the health of girl child, increasing sex-ratio, improving educational standards of the girl child;

(iii) implementation of schemes aimed at encouraging the education of girl students belonging to families living below poverty line;

(iv) providing for welfare measures aimed at improving the condition of agricultural labourers; and

(v) providing for measures aimed at lowering of infant mortality rate, improving the maternal health and promoting institutional delivery in the State.

Act not in
derogation of
any other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat needs assistance from the Central Government for the successful completion of various schemes being undertaken at present with an aim to improve the standard of life of the people, improve the sex-ratio and level of education and health condition of the girls, to encourage the girl students of families living below poverty line to pursue higher education and also to provide incentives for people living below poverty line to pursue higher education. Moreover the condition of agricultural labourers in the State is far from satisfactory and their welfare and protection is of paramount importance. Central assistance to the State is also needed for further reduction in the maternal and infant mortality rates.

Hence the Bill seeks to provide special financial assistance to the State of Gujarat for meeting the above objectives.

NEW DELHI;
August 1, 2011.

C.R. PATIL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Gujarat to meet the costs of such schemes of development, as may be undertaken by the State for the welfare of women and agricultural labourers.

The Bills, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Gujarat. As the sums of moneys which will be given to the State of Gujarat as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give the estimates of recurring or non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

BILL NO. 66 OF 2011

A Bill to provide for setting up of an Authority for supply of nutritious food to the neglected, homeless, street, physically and mentally challenged malnourished children and to the members of the families living below poverty line who cannot afford nutritious food and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Eradication of Malnutrition Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the Eradication of Malnutrition Authority established under section 3;

(c) "malnourished person" includes neglected, destitute, physically and mentally challenged, homeless and street children and members of families living below poverty line who do not have proper means of nutrition or cannot afford it due to their poor economic condition or a pregnant women; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be known as the Eradication of Malnutrition Authority.

Establishment
of Eradication
of
Malnutrition
Authority.

(2) The Authority shall be a body corporate and have perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to enter into contract and shall also be liable to sue and be sued by that name.

(3) The headquarter of the Authority shall be at New Delhi.

(4) The Authority shall have the power to establish its branches in all States and Union territories in such manner as may be prescribed.

(5) The Authority shall have a Secretariat with such number of officers and employees, as may be necessary for its efficient functioning and with such terms and conditions of service, as may be prescribed.

4. The Authority shall consist of the following Chairperson and members, namely:—

Composition
of the
Authority.

(a) the Union Minister of Women and Child Development who shall be the Chairperson-ex-officio;

(b) a Deputy-Chairperson, having such qualifications, as may be prescribed, to be appointed by the Central Government;

(c) five Members of Parliament, of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be nominated by the Presiding Officers of the House concerned;

(d) not more than two members representing the Union Ministries of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government;

(e) not more than five members representing State Governments to be appointed by the Central Government in consultation with the State Governments, on rotation basis; and

(f) not more than four members representing Non-Governmental Organizations working in the field of welfare of physically and mentally challenged, destitute, neglected, homeless, street children and members of families living below poverty line to be appointed by the Central Government.

5. (1) It shall be the duty of the authority to supply nutritious food to malnourished persons in such manner as may be prescribed.

Functions of
the Authority.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall also perform the following function,—

(a) maintain district-wise register of destitute, neglected, homeless, street, physically and mentally challenged malnourished children and families living below poverty line with such details and in such manner as may be prescribed;

(b) giving wide publicity to the provisions of this Act and also about the steps being undertaken by the Authority to supply nutritious meal to the malnourished persons through electronic and print media; and

(c) such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

Appropriate Government to provide certain facilities.

6. The appropriate Government shall, on the recommendations of the Authority, to provide to the malnourished persons, namely:—

(a) payment of two thousand five hundred rupees per month to such families or to a guardian who is assigned with the responsibility to look after a malnourished child;

(b) payment of rupees one thousand per month as subsistence allowance to such families suffering from malnutrition and having no dependent child;

(c) payment of financial assistance to Non-Governmental Organisations working for the welfare of malnourished persons in such manner as may be prescribed;

(d) free periodical medical check-up of malnourished persons with a view to provide them with required nutritious food to overcome the deficiency in nutrition level; and

(e) such other facilities, as may be necessary, for well being and all-round development of malnourished persons.

Central Government to provide adequate funds.

7. The Central Government shall provide adequate funds to the Authority, after due appropriation made by Parliament by law in this behalf, from time to time carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to those covered under this Act.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previous done under that rule.

STATEMENT OF OBJECTS AND REASONS

Approximately forty per cent. of the total population of our country lives below poverty line. Their income is so meagre that they have to struggle for survival throughout their lives. On account of extreme poverty, it is not possible for them to take adequate nutrition. They are inadequately nourished but have to do hard manual labour. The women cannot bear healthy children for want of proper nutrition. Likewise they cannot give proper nutrition to their children. Most of the children of the parents living below poverty line are placed in a vulnerable condition. There are also destitute, neglected and street children who suffer a lot of hardships in silence. Therefore, the families as well as the children suffer from the malnutrition which affect their proper development. Affirmative action by the State to provide nutritious food to such children and families is an ineluctable social necessity. Proper development of children is possible only when they are provided with proper and nutritious food by the State to meet their requirements to stay healthy.

Hence this Bill.

NEW DELHI;
August 1, 2011.

BHAKTA CHARAN DAS

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Eradication of Malnutrition Authority. Clause 4 provides *inter alia* for appointment of Deputy Chairperson and other members representing Non-Governmental Organisations working for the welfare of malnourished children, etc. Clause 5 provides for maintaining district-wise register of neglected, destitute children and giving publicity to the scheme undertaken by the Authority for supplying of nutritious food, etc. Clause 6 provides that the appropriate Government shall pay certain amount per month and to provide certain other facilities to the destitute and neglected children and families living below poverty line. Clause 7 provides that the Central Government shall provide requisite funds to the Authority, after due appropriation made by Parliament. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may be involved as a recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees one hundred crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 47 OF 2011

A Bill to provide for comprehensive and compulsory insurance of Safai Karamcharis against any mishap connected with their work, to give them economic protection, to safeguard their interests and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Safai Karamcharis Insurance Scheme Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government or the State Government, as the case may be;

(b) "mishap" means any physical injury, disability, handicap or any disease caused to a Safai Karamchari while performing his duties and which, for such karamchari,

constitutes or results in a substantial handicap, whether temporarily or permanently, to his normal daily activities and to his employment;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "Safai Karamchari" means any person engaged in or employed for manually carrying human excreta or any sanitation work and includes persons engaged in cleaning of animal hides; and

(e) "Scheme" means the Safai Karamcharis Insurance Scheme framed under section 3.

3. (1) The Central Government shall, in consultation with the State Governments, frame a Scheme to be known as the Safai Karamcharis Insurance Scheme, for comprehensive and compulsory insurance of Safai Karamcharis against any mishap.

Safai
Karamcharis
Insurance
Scheme.

(2) The Scheme shall, among other things, provide for—

(a) the principles and conditions governing the insurance of Safai Karamcharis under the scheme;

(b) the interim insurance amount to be paid to Safai Karamchari in the occurrence of a mishap;

(c) part of insurance amount to be paid immediately to the Safai Karamcharis affected by mishaps caused to them due to hazards involved in their job;

(d) nominal rate of premium to be paid by the Safai Karamcharis;

(e) the extent of insurance cover;

(f) the manner of making claims by Safai Karamcharis; and

(g) any other matter which the Central Government may deem necessary.

4. The Central Government shall, in consultation with the State Government, administer the Scheme.

Administra-
tion of the
Scheme by the
Central
Government.

5. (1) The Central Government shall, in consultation with the State Governments and by notification in the Official Gazette, establish a fund to be known as the Safai Karamcharis Insurance Fund which shall consist of—

Establishment
of Safai
Karamcharis
Insurance
Fund.

(a) premium amount received from Safai Karamcharis for insurance under the scheme;

(b) grants made by the Central Government and the State Governments in such ratio, as may be agreed between them;

(c) any monies received as contribution or donations from the people and organisations in India or abroad; and

(d) any income received from investment of money out of the Fund.

(2) The initial capital of the Safai Karamcharis Insurance Fund shall be rupees five hundred crore of which rupees four hundred crore shall be contributed by the Central Government and rupees one hundred crore shall be contributed by the State Governments in the proportion of number of Safai Karamcharis working in the respective States.

6. (1) The appropriate Government shall, by notification in the Official Gazette, constitute an Advisory Committee in every district, falling within its jurisdiction, to assess the claims made by the Safai Karamcharis due to any mishap.

Constitution
of Advisory
Committees.

(2) Every Advisory Committee shall consist of a Chairperson, to be appointed by the appropriate Government, and such other members and staff, as may be prescribed.

(3) The terms and conditions as to the qualifications, salary and allowances, etc. of the Chairperson, members and staff of the Advisory Committees shall be such as may be prescribed.

(4) While assessing the claims referred to in sub-section (1), every Advisory Committee shall inform the representatives of the Safai Karamcharis of the area, where such mishap has occurred, about the procedure followed by it in assessing such claims.

Payment of Insurance amount by the appropriate Government.

7. It shall be the responsibility of the appropriate Government to pay insurance amount or such part of insurance amount as may be recommended by the Advisory Committee, referred to in section 6, to a Safai Karamchari for any mishap caused to him during the course of performance of his duties, out of the Safai Karamcharis Insurance Fund.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall

STATEMENT OF OBJECTS AND REASONS

Several outmoded and ancient traditions and beliefs are prevalent in our country. The people, instead of doing their own work, depend on Safai Karamcharis for getting the cleaning work done. These Safai Karamcharis have not been provided with minimum wages and social and economic security till today.

The Safai Karamcharis always live in the danger of inhaling poisonous gases while clearing blocked sewer lines and carrying poisonous waste matter. They earn their livelihood from cleaning work, but they rarely get their meagre wages in time. As a result they are forced to beg for food.

Life Insurance Corporation and other insurance companies insure only those Safai Karamcharis who are working in Government, Semi-Government organizations and can afford higher premium. But majority of Safai Karamcharis are working in villages in unorganised sectors on daily wages/part time basis and have no regular income.

In the circumstances, there is an urgent need to frame a comprehensive and compulsory insurance scheme for Safai Karamcharis, who are living in deplorable condition, selling their labour at very cheap rates and responsible for cleanliness and, thus, prevention of epidemics. Such an insurance scheme will go a long way in affording them social and economic protection.

Hence this Bill.

NEW DELHI;
August 2, 2011.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall, in consultation with the State Governments, frame a scheme to be known as the Safai Karamcharis Insurance Scheme. Clause 4 provides that the Central Government shall administer the scheme. Clause 5 provides for establishment of Safai Karamcharis Insurance Fund by the Central Government to which the Central Government shall contribute rupees four hundred crore to form initial capital of the fund and shall also make grants to the fund. Clause 6 provides for the constitution of Advisory Committees in every district by the appropriate Government. As far as constitution of these Committees in the State is concerned, the expenditure shall be met out of the Consolidated Fund of respective States. However, in the case of constitution of Advisory Committees in the Union territories, the expenditure shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four hundred crore per annum.

A non-recurring expenditure of about rupees four hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is therefore, of a normal character.

BILL No. 61 OF 2011

A Bill further to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2011.

(2) It shall come into force at once.

(2) It shall come into force at once.

Substitution of
new Chapter
for Chapter IV.

2. For Chapter IV of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the following Chapter shall be substituted, namely:—

"CHAPTER IV

PROVISIONS FOR MEDICAL CARE AND OTHER FACILITIES FOR SENIOR CITIZENS

Medical
support for
senior
citizens.

20. The State Government shall ensure that,—

(i) the Government hospitals or hospitals funded fully or partially by the Government shall provide free periodical health check-up and other health care facilities for all senior citizens as far as possible;

(ii) separate queues be arranged for senior citizens;

(iii) facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens;

(iv) research activities for chronic elderly diseases and ageing is expanded;

(v) there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

Other
facilities for
senior
citizens.

20A. Notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government shall provide,—

(i) subsistence allowance of rupees one thousand per month to every destitute senior citizen;

(ii) travel facilities by road, rail and air at concessional rates to every senior citizen; and

(iii) such other facilities to senior citizens, as the Central Government may think necessary;

Provided that the Central Government may revise the rate of subsistence allowance referred to in clause (i) above, from time to time, on the basis of such criteria as it may think fit for the purpose.

Explanation.— For the purpose of this section, 'destitute senior citizen' means any person who has completed the age of sixty years and has no living relative or

STATEMENT OF OBJECTS AND REASONS

The increasing influence of western culture in our country has resulted in senior citizens being neglected. This is totally against our Indian culture and philosophy. With the increase in life expectancy, the number of destitute senior citizens is increasing regularly. This problem is more pronounced in the urban areas. In cities, thousands of senior citizens are living alone as they have no one to care for them. The senior citizens who are destitute have neither any income nor any relatives to support them. It is the duty of the State to provide them with security both personal and financial for their welfare. It is inhuman and immoral to neglect our senior citizens. They must be provided complete financial security including '*Roti, Kapra and Makaan*'.

The Bill seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to provide for payment of subsistence allowance and other facilities to destitute senior citizens.

New Delhi;
August 1, 2011.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide subsistence allowance to every destitute senior citizen. It also provides for certain facilities to senior citizens. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

BILL NO. 59 OF 2011

A Bill to provide for the protection of farmers affected by natural calamities and for other welfare measures and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called by Farmers (Protection from Natural Calamities and Other Welfare Measures) Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "farmers affected by natural calamity" means a farmer whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity;

(c) "Fund" means the Farmers Welfare Fund established under section 5;

(d) "natural calamity" includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(e) "old age farmer" means a farmer who has completed sixty years of age;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "Scheme" means the Farmers Credit Scheme formulated under section 8.

Every farmer affected by natural calamities to be paid adequate compensation.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every farmer who has been affected by natural calamity, shall be paid adequate compensation by the appropriate Government in such manner as may be prescribed.

(2) The amount of compensation payable to a farmer under clause (1), shall be such as may be specified by the Central Government from time to time, by notification in the Official Gazette.

(3) The appropriate Government, while specifying the compensation under clause (2), shall take into account the actual loss suffered by a farmer due to the natural calamity.

(4) Every claimant, shall apply to an officer so nominated by the appropriate Government for the purpose of payment of compensation, in the prescribed form, giving such information as may be prescribed:

Provided that nothing in this Act shall prevent a *Gram Panchayat* from applying for compensation on behalf of all the affected farmers living within the jurisdiction of such *Gram Panchayat*.

(5) Every claim for compensation under this Act shall be disposed of within a period of thirty days from the date of filing of the claim by the affected farmer or by the *Gram Panchayat*, as the case may be.

Farmers Welfare Fund.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called as the Farmers Welfare Fund.

(2) The initial corpus of the Fund shall be rupees five thousand crore of which rupees four thousand crore shall be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees one thousand crore shall be provided by the State Governments in such manner as may be prescribed.

(3) The Central Government and the State Governments shall contribute every year to the Fund in such ratio as may be prescribed.

(4) There shall also be credited to the Fund any grants or donation that may be made by any person or institution.

Appropriate Government to take measures for the removal of indebtedness amongst farmers.

5. (1) The appropriate Government shall take such measures as it may think necessary and expedient for the removal of indebtedness amongst farmers.

(2) Without prejudice to the generality of the foregoing provision, the measures shall also include measures for giving remunerative prices to farmers for their produce and provision of a comprehensive crop insurance scheme for farmers.

Pension to old age farmers.

6. (1) The appropriate Government shall pay not be less than rupees one thousand per month as pension to every old age farmer, in such manner as may be prescribed:

Provided that the old age pension shall be payable to only those old age farmers whose income from all sources is not more than two thousand rupees per month.

(2) The appropriate Government shall revise the rate of old age pension from time to time taking into account such criteria as it may consider necessary.

7. (1) The Central Government, in consultation with the State Governments, formulate a scheme to be called the Farmers Credit Scheme for providing loans to farmers through banks and financial institutions.

Farmers Credit Scheme.

(2) The scheme shall provide for:—

- (i) terms and conditions governing the flow of credit to the farmers;
- (ii) procedure of settling of outstanding loans against farmers;
- (iii) guidelines regarding rate of interest to be charged on loans from farmers;
- (iv) relief measures for farmers affected by natural calamities; and
- (v) such other matters as the Central Government may deem necessary.

8. It shall be the duty of the Central Government to issue necessary directive to the banks and financial institutions, from time to time, for carrying out the purposes of the Act.

Central Government to issue directive to banks and financial institutions.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in relation to any of the matters provided in this Act.

Act not to be in derogation of other laws.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country farmers constitute nearly seventy per cent. of the total population. Being a vast country, natural calamities do occur in one part of the country or the other almost round the year. For instance, the whole of Rajasthan, parts of Gujarat, Maharashtra, Bihar, Uttar Pradesh, Jharkhand, Madhya Pradesh, Chhattisgarh, etc. are drought prone. Every year half of Bihar is flooded and the other half faces drought. Similarly, in southern States, coastal areas are lashed with cyclones or tsunami whereas other parts face drought conditions. Many parts of the country face earthquake, hailstorm, cloud bursts, extreme cold conditions and other natural calamities. Farmers mostly bear the brunt of such natural calamities. They lose their crops, livestock and many a time their dwelling units and household items including foodgrains. Despite this, farmers are supposed to repay their loans whether their harvest is good or not. In depression, many of them end their lives. Thousands of farmers have committed suicide in recent years in the States of Andhra Pradesh, Maharashtra, Punjab, Uttar Pradesh, Madhya Pradesh, Tamil Nadu, Karnataka, etc. Indebtedness of our farming community is a chronic and continuing problem which has to be taken care through active efforts. Due to increase in life expectancy, the number of old age farmers is increasing and in old age they have to suffer a number of problems compelling them to lead a miserable life. Since ours is a welfare State, the Government is duty bound to provide social security to the farmers by giving them old age pension, remunerative prices of their produce and also provide them adequate compensation if their crops and property are affected by natural calamity.

Hence this Bill.

NEW DELHI;
August 1, 2011.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the compensation to farmers affected by natural calamity. Clause 4 provides for establishment of Farmers Welfare Fund. Clause 6 provides for old age pension to farmers. Clause 7 provides for the formulation of Farmers' Credit Scheme. The expenditure in relation to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 68 OF 2011

A Bill further to amend the Protection of Civil Rights Act, 1955.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Protection of Civil Rights (Amendment) Act, 2011.

Short title.

22 of 1955.

2. In section 3 of the Protection of Civil Rights Act, 1955 (hereinafter referred to as the principal Act),—

Amendment
of section 3.

(i) for the words "one month and not more than six months and also with fine which shall not be less than hundred rupees and not more than five hundred rupees", the words "one year and also with fine which shall be not less than fifty thousand rupees" shall be substituted; and

(ii) in *Explanation*, after the words "Arya Samaj", the words "members of Scheduled Castes and who follow International Society for Krishna Consciousness (ISKCON) faith" shall be inserted.

Insertion of
new sections
3A and 3B.

3. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Duty of the
District
Magistrate.

"3A. It shall be the duty of the District Magistrate or Collector or his subordinate officer, by whatever name called, to ensure that no member of the Scheduled Caste is discriminated against or prevented from entering any place of public worship for any reason, within the jurisdiction of such District Magistrate or Collector.

Punishment.

3B. If the District Magistrate or Collector fails to perform their functions assigned under section 3A, he shall be subject to such disciplinary action as the appropriate Government may think necessary."

Amendment of
section 4.

4. In section 4 of the principal Act, for the words "one month and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees", the words "one year and also with fine which shall not be less than fifty thousand rupees" shall be substituted.

Amendment of
section 6.

5. In section 6 of the principal Act, for the words "one month and not more than six months and also with the fine which shall not be less than one hundred rupees and not more than five hundred rupees", the words "six months and not more than one year and also with fine which shall not be less than twenty thousand rupees" shall be substituted.

Amendment of
section 7.

6. In section 7 of the principal Act,—

(i) in sub-section (1), for the words "one month and not more than six months and also with the fine which shall not be less than one hundred rupees and not more than five hundred rupees", the words "six months and also with fine which shall not be less than fifty thousand rupees" shall be substituted; and

(ii) in sub-section (2), for the words "one month and not more than six months and also with the fine which shall not be less than one hundred rupees and not more than five hundred rupees", the words "six months and also with fine which shall not be less than fifty thousand rupees" shall be substituted.

Amendment of
section 7A.

7. In section 7A of the principal Act, in sub-section (1), after the words, "to do any other job of a similar nature", the words "including beating of drums, blowing of conch during religious congregation or festivals or any other work of menial nature" shall be inserted.

Amendment of
section 11.

8. In section 11 of the principal Act,—

(i) in clause (a), for the words "six months and not more than one year, and also with fine which shall not be less than two hundred rupees and not more than five hundred rupees", the words "two years, and also with fine which shall not be less than fifty thousand rupees and not more than one lakh rupees" shall be substituted;

(ii) in clause (b), for the words "one year and not more than two years and also with fine which shall not be less than five hundred rupees and not more than one thousand rupees", the words "two years and not more than three years and also with fine which shall not be less than one lakh rupees" shall be substituted.

Amendment of
section 15A.

9. In section 15A of the principal Act, in sub-section (2), for sub-clause (v), the following sub-clause shall be substituted, namely:—

"(v) provision for a survey after every six months, of the working of the provisions of this Act, alongwith a copy of the survey report to the Central Government with a view to monitoring the cases relating to practice of untouchability and measures for the better implementation of the provisions of this Act;"

STATEMENT OF OBJECTS AND REASONS

Our Constitution establishes a secular State in which religious liberty is guaranteed. Articles 25 and 26 guarantee religious freedom to all persons residing in the country. In pursuance of articles 17, 25 and 26, the Union Government enacted the Protection of Civil Rights Act, 1955.

The Protection of Civil Rights Act, 1955 was enacted with a view to securing the civil rights to the dalit citizens particularly the Scheduled Castes under the provisions of the Constitution.

In spite of enactment of the Act and several Court orders, the members of the Scheduled Castes are still prevented from entering into the place of worship and temples by the Caste Hindus. Dalits are at the receiving end in issues like entry to temples and right to participate in religious festivals. They face stiff opposition and attacks from caste Hindus due to untouchability on caste ground. Temples continue to be spaces for deprivation, oppression and resistance and remain a major source of caste clashes.

Recently, there have been cases when the person holding Constitutional posts were not allowed to enter in the precinct of temples when they divulged the facts of their caste affiliation before attempting to enter the temples situated in the State of Odisha.

It is, therefore, necessary to suggest harsh measures against a person who prevents any member of the Scheduled Caste from entering into temples or place of worship on the basis of his caste affiliation. It is also necessary to fix the responsibility of the District Administration to protect the civil rights of the persons belonging to the Scheduled Castes under the provisions of the Protection of Civil Rights Act, 1955.

The Bill seeks to amend the Protection of Civil Rights Act, 1955 with a view to:—

(i) enhance the quantum of punishment for offences of preventing entry of the persons belonging to the Scheduled Castes into temples;

(ii) fix the responsibility of the District Administration to protect the civil rights of the persons belonging to the Scheduled Castes;

(iii) prevent any person from compelling a member of the Scheduled Caste for doing any menial work;

(iv) bring members of Scheduled Castes and followers of International Society for Krishna Consciousness (ISKCON) faith and believe in Hinduism, within the ambit of the Act; and

(v) provide the provision of six monthly periodic survey and reporting to Central Government.

Hence this Bill.

NEW DELHI;
August 2, 2011.

MOHAN JENA

BILL NO. 67 OF 2011

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Cruelty to Animals Act, 2011.

(2) It shall come into force at once.

2. Section 28 of the Prevention of Cruelty to Animals Act, 1960 shall be omitted.

59 of 1960.

Short title and
commencement.

Omission of
section 28.

STATEMENT OF OBJECTS AND REASONS

Article 51A of the Constitution provides for fundamental duties of every citizen. When sub-clause (g) of article 51A provides "to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures and sub-clause (h) provides "to develop the scientific temper, humanism and the spirit of inquiry and reforms" as fundamental duties.

Against this backdrop the Prevention of Cruelty to Animals Act, 1960 was enacted not only to prevent the animals from all types of cruelty, but also to protect their existence as Constitutional obligation. On the other hand, to maintain ecological balance on the earth, the existence of animals is necessary. However, section 28 of the Act provides exemption for inflicting cruelty and killing to animals in the name of religion or for performing religious rites. It is unfortunate because nowhere in the religious text books it is mentioned that killing animals is necessary for religious ceremonies. Killing of a living being for religious purpose is not only against the spirit of the Constitution and law, but also against the tenets of any religion.

Now a days the cases of superstitious practice are on the rise. Persons offering *Bali*/sacrifice of animals can be seen in and around certain religious places beside their homes. Any type of sacrifice or killing of any living being before deity or in any public place has no rationale in the modern scientific age. This primitive practice is against humanism and civilization. Because of the presence of section 28 in the Act, the Courts/other law implementing authority are not able to interpret the law in its right spirit and objective and deal with the cases of cruelty against animals in right manner.

It is, therefore, proposed to omit section 28 of the Act with a view to put a complete ban on the practice of *bali*/sacrifice or killing or inflicting cruelty to animals in the name of religion.

NEW DELHI;
August 2, 2011.

MOHAN JENA

BILL NO. 63 OF 2011

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2011.
- (2) It shall come into force at once.

Insertion of
new section
376E.

2. After section 376D of the Indian Penal Code, 1860, the following new section shall be inserted, namely:—

Punishment
for rape by
father or a
close relative.

"376E. Notwithstanding anything in this Code, whoever, being a father or a brother or a guardian or a close relative of a woman including a minor girl, commits rape or abets or aids any other person to commit such offence on such a woman or the minor girl, shall be punished with death."

STATEMENT OF OBJECTS AND REASONS

Instances of rape are on the rise. Women are not safe on roads. But in the recent past several instances have come to notice when the father, brother or the relatives of women themselves raped or helped in committing rape on women. They ought to protect their womenfolk but they themselves rape or abet others to commit rape. In such cases, they should be awarded with death punishment which should act as a deterrent.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860.

Hence this Bill.

NEW DELHI;
August 2, 2011.

M.K. RAGHAVAN

BILL NO. 72 OF 2011

A Bill further to amend the Persons with Disabilities (Equal Opportunities and Protection of Rights and Full Participation) Act, 1995.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Persons with Disabilities (Equal Opportunities and Protection of Rights and Full Participation) Amendment Act, 2011.

(2) It shall come into force at once.

Amendment
of section 26.

2. In section 26 of the Persons with Disabilities (Equal Opportunities and Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the principal Act), after sub-section (d), the following sub-section shall be inserted, namely:—

“(e) endeavour to provide free education facilities and reservation of seats in educational institutions for the children of persons with disabilities.”.

3. In section 38 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

Amendment of section 38.

“(g) encouraging self-employment among persons with disabilities through provision of loan at concessional rates of interest and providing land, water, electricity and other necessities at subsidised rates;”.

4. In section 67 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 67.

“(3) The appropriate Government shall provide free life insurance to every person with disability in such manner as may be prescribed.”.

5. After section 68 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 68A.

“68A. The appropriate Government shall, in such manner as may be prescribed, endeavour to provide following facilities to the persons with disabilities,—

Certain facilities for people with disabilities.

(i) old age pension of rupees four thousand per month;

(ii) adequate quantity of foodgrains at subsidised rates from Public Distribution System;

(iii) free healthcare facilities from Government hospitals funded fully or partially by the Government; and

(iv) encouraging their employment in private enterprises.”

STATEMENT OF OBJECTS AND REASONS

The persons with physical disabilities have also an equal right to lead a decent life just like others. The Government has enacted a special legislation for them and some significant improvement has been seen so far. But it may be seen that majority of disabled persons still live under pitiable conditions with no assistance from any source. These persons suffer a lot in their old age with no income. Since they are generally poor, they are not able to afford education or medical facilities for their family members.

It is, therefore, proposed to provide certain welfare measures for persons with disabilities.

Hence this Bill.

NEW DELHI;
August 2, 2011.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for free education facilities for children of persons with disabilities. Clause 4 provides that the appropriate Government shall provide free life insurance scheme of upto rupees one lakh to any person with disability. Clause 5 provides that the appropriate Government shall provide free healthcare facilities, old-age pension and essential commodities at subsidised rates to persons with disabilities. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum will be involved.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

BILL NO. 69 OF 2011

A Bill to provide for the welfare of agricultural workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers Welfare Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “agricultural worker” means a person who is engaged in one or more of the following agricultural occupations in the capacity of labourer on hire and does not own agricultural land in excess of ceiling to be prescribed:—

- (i) farming, including the cultivation and tillage of soil;
- (ii) dairy farming;
- (iii) pisciculture;
- (iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;
- (v) raising of livestock, bee-keeping or poultry;
- (vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and
- (vii) growing fodder or thatching grass or for grazing cattle;

(b) “agricultural operation” means any agricultural activity including sowing, ploughing, grubbing, harvesting of fruits, vegetables, flowers and sugarcane or dairy development activity or commercial crops development activity; and

(c) “prescribed” means prescribed by rules made under this Act.

Facilities provided to agricultural workers.

3. The Central Government shall provide the following benefits to the agricultural workers:—

- (i) **Old age pension after attaining the age of sixty years if the worker is not engaged in any avocation, at the rate of rupees one thousand per month;**
- (ii) **free medical or health insurance facilities as the case may be;**
- (iii) **free educational facilities to their children;**
- (iv) essential commodities at subsidized rates through public distribution system;
- (v) **free life insurance upto rupees two lakh;**
- (vi) **compensation to agricultural workers in case of accidents or death during agricultural operations;**
- (vii) **free electricity and water facilities for agricultural operation in their own land in such manner as may be prescribed;**
- (viii) loan facilities for marriage, higher education, medical treatment from nationalized banks at subsidized rates; and
- (ix) **ex-gratia payments for construction of permanent dwelling units as may be prescribed.**

Central Government to provide adequate fund to the State Governments.

4. The Central Government shall provide adequate funds to the State Governments for effective implementation of the provisions of this Act.

Power to make rules.

5. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Majority of population are engaged in agriculture. Agriculture contributes considerably to our economy and gross domestic product. Many of our agricultural items are exported and thus earn considerable foreign exchange.

Lakhs of workers are engaged in agricultural operations. They toil day and night and work for the economy of the country. So far, this lot have been a neglected section. All efforts taken by the Government for all round development of the workers has not ensured a decent livelihood for them. They are unable to send their children to schools or afford medical treatment if they fall ill. After they retire from work, they do not have any income and suffer untold miseries.

It is the duty of the Government to pay back the due to agricultural workers.

Therefore, it is proposed to provide some benefits to agricultural workers which would benefit them in the long run and also the country as a whole.

NEW DELHI;
August 2, 2011.

BHAUSAHEB R. WAKCHAURE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for old age pension, free medical or health facilities, free educational facilities for children, free life insurance, compensation in case of accidents, free electricity and water and *ex-gratia* payments to the agricultural workers by the Central Government. Clause 4 provides that the Central Government shall provide adequate fund to the State Governments for the implementation of the provisions of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five thousand crore per annum will be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to empower the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 70 OF 2011

A Bill further to amend the Right to Information Act, 2005.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

- | | |
|---|---|
| Short title,
extent and
commencement. | 1. (1) This Act may be called the Right to Information (Amendment) Act, 2011.
(2) It extends to the whole of India.
(3) It shall come into force at once. |
| Amendment
of section 6. | 2. In section 6 of the Right to Information Act, 2005, (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—
"(2) An applicant making request for information shall give reason for requesting the information and other personal details including those details that may be necessary for contacting him." |

22 of 2005.

3. In section 7 of the principal Act, in sub-section (1), for the words "for any of the reasons specified in section 8 and 9", the words "if it does not comply with requirements of sub-section (2) of section 6 or for any of the reasons specified in sections 8 and 9" shall be substituted.

Amendment
of section 7.

4. In section 8 of the principal Act, in sub-section (1), after clause (j), the following clause shall be inserted, namely:—

Amendment
of section 8.

"(k) information if any application made under section 6 does not contain reasons for requesting such information or if the reasons given by the applicant are not adequate or are factually incorrect in the opinion of the authority competent to furnish the information."

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act was enacted in 2005. Though the legislation is serving its purpose to a great extent and especially in the sphere of public grievances against the authorities, yet there are certain lacunae in the Act. Certain anti-social elements seek information about the affairs of public authority for ulterior reasons. The only reason for seeking such information is to blackmail such authorities or organizations or to make money or harass them.

In fact, it is a welcome step that social organizations use the Act to help the poor people to get their grievances redressed. But at the same time any information which could be misused to harass individuals should not be allowed to be obtained.

Therefore, it is proposed in the Bill that an applicant seeking certain information shall provide the reasons therefor and the authority may reject the application if the reasons are not furnished or inadequate.

As such, it is proposed to amend the Right to Information Act, 2005, accordingly.

NEW DELHI;
August 2, 2011.

BHAUSAHEB R. WAKCHAURE

BILL NO. 73 OF 2011

A Bill to provide for constitution of the Beedi Workers' Welfare Fund and also a Board to administer the Fund for welfare of beedi workers in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Beedi Workers Welfare Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "beedi worker" means any person engaged in making of beedi, tobacco, cigar or cigarette and involving any process of making of beedi, cigar or cigarette and includes a person engaged on contract or temporary basis;

(iii) "Fund" means Beedi Workers Welfare Fund set up under section 3; and

(iv) "prescribed" means prescribed by rules made under the Act.

Beedi Workers
Welfare Fund.

3. (1) The Central Government shall set up a Fund to be known as the Beedi Workers' Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the State Governments and owners of beedi factories in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board, consisting of—

(a) one Chairman to be appointed by the Central Government;

(b) one representative of each State Government where beedi making is a major occupation;

(c) two representatives of beedi workers to be nominated in such manner as may be prescribed; and

(d) one representative of owners of beedi factories.

(4) The salary and allowances payable to, and other terms and conditions of the service of Chairman and other members of the Board shall be such as may be prescribed.

Functions of
the Board.

4. (1) The Board shall determine the purposes for which the Fund shall be utilized.

(2) Notwithstanding anything in sub-section (1), the Fund shall be utilized for the following purposes:—

(i) payment of old-age pension at the rate of rupees five thousand per month after the beedi worker has attained the age of sixty years and is unable to perform his job on account of infirmity or incapacity;

(ii) free healthcare facilities for the beedi worker and dependant family members at the designated Government and other hospitals;

(iii) free education facilities including supply of books, uniform, writing materials, transport to and from school to residence, hostel facilities for the children of beedi workers;

(iv) free insurance cover to beedi workers; and

(v) free housing facilities for beedi workers.

Workers to be
assured
minimum
wage.

5. Every beedi worker shall be entitled to such assured minimum wage as may be fixed by the appropriate Government, irrespective of the number of beedis rolled by him.

Penalty.

6. If any employer does not comply with the provisions of sections 3 and 5, he shall be punished with a fine which may extend to rupees fifty thousand.

Central
Government
to provide
adequate fund.

7. It shall be the duty of the Central Government to provide adequate fund to the Board for effective implementation of the provisions of the Act.

Act to be not
in derogation
of other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law providing for matters dealt with in this Act.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The beedi workers in the country are facing unbearable problems. Several lakhs of workers including women are engaged in beedi making in different parts of the country. These workers contract various types of diseases during the course of their employment but there is no proper facility for their treatment. They live in poverty. With no means to afford education, the wards of workers are forced by situation to join the same profession of beedi making where their parents have already spent their lives. Hundreds of workers die before they attain age of sixty years because of diseases they contract during the course of their work. There is no insurance cover available to them.

In old-age these beedi workers become feeble and left with no option either to continue in beedi making or any other avocation for their survival. In view of above, it is necessary to provide social security and welfare measures to lakhs of beedi workers in the country.

Hence this Bill.

NEW DELHI;
July 25, 2011.

BHAUSAHEB R. WAKCHAURE

FINANCIAL MEMORANDUM

Clause 3 provides for setting up of a Beedi Workers Welfare Fund for welfare of beedi workers. It further provides for constitution of a Board for administration of the Beedi Workers Welfare Fund. Clause 7 provides that the Central Government shall provide adequate Fund to the Board for effective implementation of the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It is estimated that a sum of rupees two hundred crore is likely to be involved out of the Consolidated Fund of India per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 60 OF 2011

A Bill to provide for rehabilitation of displaced persons and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Displaced Persons Welfare Act, 2011.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "displaced person" means any person whose land, whether fertile or barren, or any other immovable property has been acquired by the appropriate Government for any purpose and whose livelihood has been affected by such acquisition;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "project" means any project including an industry, housing, establishment, highway, infrastructural project, hospital, educational institution, exploration of natural resources, railway project or for any civil or defence purpose, whether on lease or transfer or public-private partnership mode, launched by appropriate Government or any private entity; and

(e) "tribunal" means Displaced Persons' Rehabilitation Tribunal set up under section 6.

3. The Central Government shall before acquiring land for any project consult Government of the State wherein the land is situated.

Central Government to consult State Government before acquiring land.

4. (1) The appropriate Government shall prepare a comprehensive plan for the rehabilitation of persons displaced as a result of acquisition of their land or any other immovable property for any purpose.

Comprehensive rehabilitation plan for displaced persons.

(2) The rehabilitation plan referred to under sub-section (1) shall include,—

(i) payment of compensation to displaced persons which shall not be less than the market rate of the said land or immovable property;

(ii) provision of job to at least one member of the family of displaced person in the project developed on the acquired land;

(iii) ensuring alternate means of livelihood to displaced persons;

(iv) provision of loan to displaced persons at reasonable rate of interest to enable them to earn livelihood through self-employment;

(v) launching special housing or plot allotment schemes for displaced persons; and

(vi) such other matters as the appropriate Government may deem necessary for the welfare of displaced persons.

5. The appropriate Government shall ensure that agricultural or fertile land shall be acquired to the minimum extent possible.

Appropriate Government to ensure minimum acquisition of agricultural or fertile land.

6. (1) The Central Government shall, by notification in the Official Gazette, establish a Tribunal to be known as the Displaced Persons' Rehabilitation Tribunal (hereinafter referred to as the Tribunal).

Displaced Persons' Rehabilitation Tribunal.

(2) The Tribunal shall consist of:—

(i) a Chairperson, who shall be appointed by the Central Government in such manner as may be prescribed; and

(ii) four other members, who shall be appointed by the Central Government in such manner as may be prescribed.

(3) The qualification, salary and allowances payable to, and other terms and conditions of the service of Chairperson and other members of the Tribunal shall be such as may be prescribed.

(4) The headquarters of the Tribunal shall be situated in New Delhi.

(5) The Tribunal shall have its benches at such other places as the Central Government may deem necessary.

(6) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal and its benches in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(7) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Tribunal and its benches shall be such as may be prescribed.

Central Government to provide adequate funds.

7. The Central Government shall provide adequate funds to the State Governments for effective implementation of the provisions of the Act.

Procedure regarding filing of complaint, etc.

8. (1) Any displaced person aggrieved by the violation of any of the provisions of this Act, may file a complaint in writing with the Tribunal or a bench thereof.

(2) Any complaint filed under sub-section (1), shall be disposed of within three months of the date of the complaint.

Bar of jurisdiction.

9. (1) No civil court shall have jurisdiction in respect of any matter which the Tribunal is empowered by or under this Act to determine.

(2) The appeal against the decisions of the Tribunal shall lie to a High Court.

Provisions of this Act to be in addition to other laws.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in respect of matters dealt with in this Act.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Land is acquired for various projects. But whenever lands are acquired for any project, it has been seen that a large number of innocent people are displaced.

They are not given adequate compensation for their lands. After whatever nominal compensation they get, they are left to fend for themselves. No additional provision is made for their rehabilitation. They have no place to go and live. They have been depending upon their lands for their livelihood. When they find that their lands have been acquired, their lives are shattered. Since they are given a paltry amount as compensation, they are not able to go for self-employment also.

Therefore, with a view to mitigate their sufferings, it is proposed to provide that adequate compensation at the rate of prevailing market rate must be given to land owners. Necessary steps must be taken for their rehabilitation. It is also proposed that employment should be provided to families of displaced persons. They should be provided with alternate means of earning their livelihood, opportunities for self-employment, housing schemes, etc. so as to facilitate their speedy rehabilitation. Special Tribunals are also proposed to be set up for speedy redressal in case of disputes within a time bound manner.

The Bill also proposes that agricultural and fertile land should be acquired to the minimum extent possible.

The Bill seeks to achieve the above objective.

NEW DELHI;
August 2, 2011.

S. SEMMALAI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides comprehensive plan for land acquisition including payment of adequate compensation at the prevailing market rates in case of land acquisition. Clause 5 provides that the appropriate Government shall ensure that agricultural or fertile land shall be acquired to the minimum extent possible. Clause 6 of the Bill also seeks to constitute special Tribunals and benches for implementation of the provisions of the Bill. Provision has also been made for appointment of officers and staff for the Tribunal. Clause 7 of the Bill provides that Central Government shall assist the State Governments in implementation of the provisions of the Bill.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill seeks to provide for framing of rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 65 OF 2011

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2011.

(2) It shall come into force at once.

Amendment
of Schedule II.

2. In Schedule II to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, after paragraph 5, the following paragraph shall be inserted, namely:—

42 of 2005

"5A. It shall be the duty of the Gram Panchayat to ensure that, as far as possible, employment is provided to the registered adult members during non-agricultural season only within its jurisdiction."

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005, which was enacted in 2005 has provided job to lakhs of jobless persons throughout the country. Now, there is a guaranteed employment to under privileged people upto a certain number of days in a year. It is a welcome provision. But due to implementation of provisions of this Act, agricultural operations are affected as workers prefer to work under the job guarantee scheme instead of agricultural operations which involve lot of physical strain. Also the easy wages under the Act lure agricultural workers. As a result labour is not available for agricultural operations and agriculture is adversely affected.

Therefore, there is a dire need to remove the anomaly. The provisions of the Act should be implemented in such a way that neither it affects agricultural operations nor workers are unemployed during non-agricultural season.

Hence this Bill.

NEW DELHI;
August 2, 2011.

S. SEMMALAI

T.K. VISWANATHAN,
Secretary-General.